

## **Federal Operating Permit Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-50 through 9 VAC 5-80-300, and 9 VAC 5-140-10 through 9 VAC 5-140-900 (NO<sub>x</sub> Trading Program Requirements) of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Cinergy Solutions of Narrows, LLC	Registration	21418
Facility Name:	Cinergy Solutions of Narrows, LLC	AIRS Number:	51-071-0062
		NATS ID Number:	052089
Facility Location:	Route 460, 4 miles East of Narrows, Virginia Giles County, Virginia	Permit Number:	VA-21418

**June 30, 2003:**

\_\_\_\_\_  
Effective Date

**June 30, 2008**

\_\_\_\_\_  
Expiration Date

**Issued March 12, 2003, amended July 18, 2003  
& August 17, 2004**

\_\_\_\_\_  
Director, Department of Environmental Quality

Table of Contents, 2 pages

Permit, 37 pages

## **Table of Contents**

<b>I. FACILITY INFORMATION.....</b>	<b>4</b>
A. FACILITY OVERVIEW.....	4
B. EMISSION UNITS.....	6
<b>II. FUEL BURNING EQUIPMENT REQUIREMENTS – BOILERS NOS. 1 THROUGH 9</b>	<b>7</b>
A. LIMITATIONS - (SEE ALSO FACILITY WIDE REQUIREMENTS).....	7
B. MONITORING - (SEE ALSO FACILITY WIDE REQUIREMENTS).....	10
C. RECORDKEEPING - (SEE ALSO FACILITY WIDE REQUIREMENTS).....	11
D. TESTING- (SEE ALSO FACILITY WIDE REQUIREMENTS).....	13
E. REPORTING.....	14
<b>III. PROCESS EQUIPMENT REQUIREMENTS – UTILITIES COMPLEX.....</b>	<b>14</b>
A. LIMITATIONS - (SEE ALSO FACILITY WIDE REQUIREMENTS).....	14
B. MONITORING - (SEE ALSO FACILITY WIDE REQUIREMENTS).....	15
C. RECORDKEEPING- (SEE ALSO FACILITY WIDE REQUIREMENTS).....	17
D. TESTING- (SEE ALSO FACILITY WIDE REQUIREMENTS).....	17
E. REPORTING.....	18
<b>IV. FACILITY WIDE CONDITIONS .....</b>	<b>18</b>
A. LIMITATIONS .....	18
B. MONITORING.....	19
C. TESTING .....	20
D. REPORTING- .....	20
<b>V. INSIGNIFICANT EMISSION UNITS.....</b>	<b>20</b>
<b>VI. PERMIT SHIELD &amp; INAPPLICABLE REQUIREMENTS .....</b>	<b>21</b>
<b>VII. GENERAL CONDITIONS .....</b>	<b>21</b>
A. FEDERAL ENFORCEABILITY .....	21
B. PERMIT EXPIRATION.....	21
C. RECORDKEEPING AND REPORTING .....	22
D. ANNUAL COMPLIANCE CERTIFICATION.....	23
E. PERMIT DEVIATION REPORTING .....	24
F. FAILURE/MALFUNCTION REPORTING .....	24
G. STARTUP, SHUTDOWN, AND MALFUNCTION .....	24
H. MALFUNCTION AS AN AFFIRMATIVE DEFENSE.....	25
I. FUGITIVE DUST EMISSION STANDARDS.....	26
J. SEVERABILITY .....	26
K. DUTY TO COMPLY .....	26
L. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.....	27
M. PERMIT ACTION FOR CAUSE .....	27
N. PROPERTY RIGHTS .....	28
O. DUTY TO SUBMIT INFORMATION .....	28

P. DUTY TO PAY PERMIT FEES .....	28
Q. ALTERNATIVE OPERATING SCENARIOS .....	28
R. INSPECTION AND ENTRY REQUIREMENTS .....	28
S. REOPENING FOR CAUSE .....	29
T. PERMIT AVAILABILITY .....	29
U. TRANSFER OF PERMITS .....	30
V. PERMIT REVOCATION OR TERMINATION FOR CAUSE.....	30
W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION .....	30
X. STRATOSPHERIC OZONE PROTECTION .....	30
Y. ACCIDENTAL RELEASE PREVENTION.....	31
Z. CHANGES TO PERMITS FOR EMISSIONS TRADING .....	31
AA. EMISSIONS TRADING .....	31
BB. ASBESTOS REQUIREMENT .....	31
<b>VIII. NO<sub>x</sub> BUDGET TRADING PROGRAM REQUIREMENTS .....</b>	<b>32</b>
A. NO <sub>x</sub> BUDGET PERMIT GENERAL CONDITIONS.....	32
B. STANDARD REQUIREMENTS .....	33
C. RECORDKEEPING AND REPORTING .....	35
D. TESTING FOR CEM CERTIFICATION .....	35
E. LIABILITY .....	36
F. EFFECT ON OTHER AUTHORITIES .....	37

## **I. Facility Information**

### **A. Facility Overview**

**Permittee**

Cinergy Solutions of Narrows, L.L.C.  
3520 Virginia Avenue  
Narrows, Virginia 24124

**Responsible Official**

Scott Abramson  
Vice President of Operations

**Facility**

Cinergy Solutions of Narrows, L.L.C.  
Route 460, 4 miles East of Narrows, VA  
Giles County, Virginia

**Contact Person**

Robert Cowley  
Senior Environmental Engineer  
(585) 749-6078

**NO<sub>x</sub> Budget Trading Account Info.**

ORIS Code/EIA Facility ID. NO.: 52089  
NATS ID No.: 052089  
052089BLR007  
052089BLR008

**Authorized Account Representative**

Deborah Stockstill  
Celanese Acetate, LLC  
2300 Archdale Drive  
Charlotte, N.C. 28210

**Registration Number:** 21418

**AIRS Identification Number:** 51-071-0062

### **Facility Description:**

SIC Code 4939– This facility is co-located with the Celanese Acetate LLC Celco plant. This facility produces steam and electricity using industrial boilers solely for the Celanese Acetate LLC Celco plant. The facility also supplies cooling water, process water, and industrial process refrigeration solely for the Celanese Acetate LLC Celco plant. Together, Cinergy Solutions of Narrows, LLC and the Celanese Acetate LLC Celco plant are a Title V major source of PM<sub>10</sub>, CO, SO<sub>2</sub>, NO<sub>x</sub>, VOC and total HAPs. This source is located in an attainment area for all pollutants, and is a PSD major source. The facility was previously owned and operated by Celanese Acetate LLC and was permitted under several minor NSR permits and includes existing “grandfathered” equipment. A state operating permit was issued to the Celanese Acetate LLC Celco plant on August 2, 2002 which incorporated all of the conditions that were still in effect from previously issued NSR permits. A Title V operating permit was issued to the Celanese Acetate LLC Celco plant on March 12, 2003 which incorporated all of the conditions from the state operating permit and all other federally enforceable applicable requirements.

Cinergy Solutions became the owner and operator of the utilities equipment at the Celco plant in Narrows, Virginia effective June 30, 2003. Thus, the conditions from Celco’s Title V operating permit pertaining to the utilities equipment transferred to Cinergy Solutions on June 30, 2003. The interpretation on the date of transfer of this permit to Cinergy Solutions is that Cinergy is considered to be part of a single source in conjunction with Celco, for purposes of determining applicability of non-attainment area new source review (NSR), prevention of significant

deterioration (PSD) requirements, and Title V operating permit requirements. Further modifications of the two facilities that make up the single source shall be addressed together to calculate net emissions increases for comparison with NSR and PSD significance levels. Also, both facilities will be considered a single source for any NAAQs attainment issues.

NO<sub>x</sub> Budget Trading Program (NO<sub>x</sub> SIP Call) - Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, 9 VAC 5 Chapter 140 Part I, NO<sub>x</sub> Budget Trading Program (9 VAC 5-140-10 et seq.) The program applies to 2 of the boilers at the facility. Boiler #7, a Foster Wheeler coal boiler rated at 322 MM Btu/hr (3BHBL003S1) and Boiler # 8, a Combustion Engineering oil and gas fired unit rated at 254 MM Btu/hr (3BHBL004S1). The budget trading part of this program begins May 31, 2004. The monitoring systems have been installed and verified.

**B. Emission Units**

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/ Nominal Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pol- lutant Con- trolled	Appli-cable Permit Date
<b>Fuel Burning Equipment- Utilities Complex</b>							
3BHBL001S1	3BHBL001E1	Babcox & Wilcox, Coal Boiler #1	91 MM Btu/hr	Electrostatic Precipitators (6 - two in series per coal boiler)	3BHBL001C1, 3BHBL001C2	PM	3/12/03 Celco T5
3BHBL001S1	3BHBL001E1	Riley, Coal Boiler #3	184 MM Btu/hr	Electrostatic Precipitators (6 - two in series per coal boiler)	3BHBL001C3, 3BHBL001C4	PM	3/12/03 Celco T5
3BHBL001S1	3BHBL001E1	Riley, Coal Boiler #5	246 MM Btu/hr	Electrostatic Precipitators (6 - two in series per coal boiler)	3BHBL001C5, 3BHBL001C6	PM	3/12/03 Celco T5
3BHBL002S1	3BHBL002E1	Babcox & Wilcox, Coal Boiler #2	91MM Btu/hr	Electrostatic Precipitators (6 - two in series per coal boiler)	3BHBL002C1, 3BHBL002C2,	PM	3/12/03 Celco T5
3BHBL002S1	3BHBL002E1	Riley, Coal Boiler #4	184 MM Btu/hr	Electrostatic Precipitators (6 - two in series per coal boiler)	3BHBL002C3, 3BHBL002C4,	PM	3/12/03 Celco T5
3BHBL002S1	3BHBL002E1	Riley, Coal Boiler #6	246 MM Btu/hr	Electrostatic Precipitators (6 - two in series per coal boiler)	3BHBL002C5, 3BHBL002C6	PM	3/12/03 Celco T5
3BHBL003S1	3BHBL003E1	Foster Wheeler, Coal Boiler #7 NATS ID: 052089BLR007	322 MM Btu/hr	ESP (2 in series)	3BHBL003C1, 3BHBL003C2	PM	3/12/03 Celco T5
3BHBL004S1	3BHBL004E1	Combustion Engineering, Oil & Gas Boiler #8 NATS ID: 052089BLR008	254 MM Btu/hr	Low NOx Burners	3BHBL004C1	NOx	8/2/2002 SOP
3BHBL005S1	3BHBL005E1	Zurn, Gas-Fired Boiler #9 (NSPS Db)	196 MM Btu/hr	Low NOx Burners	3BHBL005C1	NOx	8/2/2002 SOP
3BHAS001S1	3BHAS001E1	10 Coal Pile Thaw Pits (2 Burners/pit)	1.25 MM Btu/hr/ pit	None	NA	PM	3/12/03 Celco T5
<b>Utilities Complex</b>							
3BHSL001S1	3BHSL001E1	Dry flyash handling system		IAC Model 96TB-FRI-65:S6	3BHSL001C2	PM	8/2/2002 SOP
3BHSL001S1	3BHSL001E2	Dry flyash handling system		IAC Model 96TB-FRI-65:S6	3BHSL001C2	PM	8/2/2002 SOP
3BHSL001S1	3BHSL001E3	Dry flyash handling silo		IAC Model 120TB-BVI-36:S6	3BHSL001C2	PM	8/2/2002 SOP
3PHTKED1S1	3PHTKED1E1	32% HCl Storage Tank	990 gallon	None	NA	HCl	8/2/2002 SOP
3BHSC001S1	3BHSC001E1	EDR HCl Holding Tank		None	NA	HCl	3/12/03 Celco T5
3BHAS002S1	3BHAS002E1	Coal Handling & Storage		None	NA	PM	3/12/03 Celco T5
3BHTK001S1	3BHTK001E1	Fuel Oil Storage Tank	250,000 gal	None	NA	VOC	3/12/03 Celco T5
3BHCV001S1	3BHCV001E1	Coal Conveyor - Sprayed with Ethylene Glycol in Winter		None	NA	VOC	3/12/03 Celco T5

\*The Size/Rated capacity and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

## **II. Fuel Burning Equipment Requirements – Boilers Nos. 1 through 9**

**Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the Boilers #7 & #8 shall be operated in compliance with the requirements of the NOx Budget Trading Program (see the separate NOx Budget Trading Program multi-page section in this permit).

(9 VAC 5-80-110, 9 VAC 5-140-10 et seq., and 9 VAC 5-170-160)

### **A. Limitations - (See also Facility Wide Requirements)**

#### **1. Boiler No. 8**

Visible Emissions from the boiler stack No. 8 shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). (9 VAC 5-50-80, Condition II.A.1 of 8/2/2002 SOP and 9 VAC 5-50-20)

#### **2. Boiler No. 8**

The maximum sulfur content of the oil to be burned in Boiler No. 8 shall not exceed 0.2 percent by weight per shipment. (9 VAC 5-50-260 & Condition II.A.2 of 8/2/2002 SOP)

#### **3. Boiler No. 8**

The approved fuels for Boiler No. 8 are natural gas and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396-78 “Standard Specification for Fuel Oils.” A change in the fuels may require a permit to modify and operate. (9 VAC 5-50-260 and Condition II.A.3 of 8/2/2002 SOP)

#### **4. Boiler No. 8 Fuel Consumption Limit**

- a. Boiler No. 8 shall consume no more than 1,150 million cubic feet of natural gas per year, when natural gas is the only fuel burned, calculated monthly as the sum of each consecutive twelve (12) month period.
- b. Boiler No. 8 shall consume no more than 4.2 million gallons of distillate oil and 226.0 million cubic feet of natural gas per year, calculated monthly as the sum of each consecutive twelve (12) month period.

- c. The natural gas consumption limit identified in b. may be increased up to the limit identified in a. above, by reducing annual allowed distillate oil consumption according to the following equation:

$$\text{Natural Gas Limit} = 226.0 \times 10^6 + 220 \times (4.2 \times 10^6 - \text{DOC})$$

where:

DOC = annual distillate oil consumption in gallons, calculated monthly as the sum of the previous consecutive 12 month period.

For each month that Boiler No. 8 is operated, the permittee shall identify and record under which scenario, limit a., b. or c. above, the boiler is operating and record the allowed fuel consumption for that scenario.

(9 VAC 5-50-50 H, 9 VAC 5-170-160, Condition II.A.4 of 8/2/2002 SOP)

**5. Boiler No. 8**

Emissions from the operation of Boiler No. 8 shall not exceed the limits specified below:

PM	14.0 lbs/hr	
	0.0552 lbs/million BTU input	
PM-10	14.0 lbs/hr	
	0.0552 lbs/million BTU input	
Sulfur Dioxide	52.1 lbs/hr	60.6 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )		57.5 tons/yr
	0.10 lbs/million BTU input	

(9 VAC 5-50-260 & Condition II.A.5 of 8/2/2002 SOP)

**6. Boiler Nos. 8 & 9**

NO<sub>x</sub> emissions from the No. 8 and No. 9 boilers shall be controlled by the use of Low NO<sub>x</sub> Burners.

(9 VAC 5-50-260 & Condition II.A.6 of 8/2/2002 SOP)

**7. Boiler No. 9**

Boiler No. 9 shall be operated in accordance with 40 CFR 60, Subpart Db. Terms included in conditions of this permit that are related to Boiler No. 9 and that contain terms and conditions from 40 CFR Part 60 Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units–shall have the meaning as defined in 40 CFR 60.2 and 40 CFR 60.40b.

(9 VAC 5-170-160, 40 CFR 60.40b & Condition II.A.7 of 8/2/2002 SOP)

**8. Boiler No. 9**

The approved fuel for Boiler No. 9 is natural gas. A change in the fuel may require a permit to modify and operate.

(9 VAC 5-170-160 & Condition II.A.8 of 8/2/2002 SOP)



**9. Boiler No. 9**

Visible Emissions from the boiler No. 9 stack shall not exceed 10 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 27 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). (9 VAC 5-50-20, 9 VAC 5-50-260 & Condition II.A.9 of 8/2/2002 SOP)

**10. Boiler No. 9 Fuel Consumption Limit**

Boiler No. 9 shall consume no more than 1,100 million cubic feet of natural gas per year, calculated monthly as the sum of each consecutive twelve (12) month period. (9 VAC 5-50-260 and Condition II.A.10 of 8/2/2002 SOP)

**11. Boiler No. 9**

Emissions from the operation of Boiler No. 9 shall not exceed the limits specified below:

PM	1.35 lbs/hr	4.2 tons/yr
PM-10	1.35 lbs/hr	4.2 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	12.5 lbs/hr 0.07 lbs/million BTU input	38.5 tons/yr
CO	15.0 lbs/hr	46.2 tons/yr
Volatile Organic Compounds	1.0 lbs/hr	3.0 tons/yr

(9 VAC 5-50-260 & Conditions II.A.11 of 8/2/2002 SOP)

**12. Boiler Nos. 1, 2, 3, 4, 5, 6, & 7**

Hourly SO<sub>2</sub> emissions from boilers 1 through 7 and from the rail car coal thawing pit burners shall not exceed 2.64 lb/10<sup>6</sup> Btu heat input at total capacity. (9 VAC 5-40-930)

**13. Boiler Nos. 1, 2, 3, 4, 5, 6 & 7**

Particulate emissions from the boilers 1 through 7 shall be controlled by the use of Electrostatic Precipitators (ESPs) or an equivalent device as approved by DEQ. (9 VAC 5-20-170 & 9 VAC 5-80-110)

**14. Boiler Nos. 1, 2, 3, 4, 5, 6 & 7**

Particulate emissions from the boilers 1 through 7 and from the rail car coal thawing pit burners shall not exceed 0.17 lbs./ MM Btu. and 234 lbs./hr, according to the following particulate emission allocation table. The particulate emissions that are allocated to each emissions unit are used to calculate the total limit but are not limits for each individual unit:

Unit Heat Input Capacity (MM Btu/hr)	Description	Allocated PM Emission (lb/hr)
91	Boiler #1- Coal-fired	15.53
91	Boiler #2- Coal-fired	15.5
184	Boiler #3- Coal-fired	31.3
184	Boiler #4- Coal-fired	31.3
246	Boiler #5- Coal-fired	41.84
246	Boiler #6- Coal-fired	41.84
322	Boiler #7- Coal-fired	54.82
1.25 (each burner)	Rail Car Thawing Pit Burners- #2 fuel oil-fired (20 total)	0.2/ burner
<b>1376.589</b>	<b>Total</b>	<b>234 lbs/hr</b>

(9 VAC 5-40-910, 9 VAC 5-80-110)

#### 15. Boiler Nos. 1, 2, 3, 4, 5, 6 & 7

Visible Emissions from each boiler stack shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-40-940 & 9 VAC 5-80-110)

### B. Monitoring - (SEE ALSO FACILITY WIDE REQUIREMENTS)

#### 1. Boiler No. 9 CEMS

A Continuous Emission Monitoring System (CEMS), meeting the design specifications of 40 CFR Part 60, Appendix B, shall be installed to measure and record the emissions of NO<sub>x</sub> from the Boiler No. 9 stack as lbs/MMBtu. The CEMS shall be installed, calibrated, maintained, audited and operated in accordance with the requirements of 40 CFR 60.13, Part 60 NSPS Subpart Db and Appendices B and F or DEQ approved procedures which are equivalent to the requirements of 40 CFR 60.13 and Appendices B and F. Data shall be reduced to 30 day rolling averages. The Span Value for the NO<sub>x</sub> monitor shall be 500 ppm in accordance with 40 CFR Part 60, Subpart Db. The 1-hour average nitrogen oxides emission rates measured by the boiler No. 9 CEM shall be expressed in ng/J or lb/million Btu heat input. This data shall be used to calculate average nitrogen oxides emission rates. The annual relative accuracy test audit (RATA) specified in NSPS 40 CFR 60 Appendix F 5.1.1 is not required for the boiler NO<sub>x</sub> CEM unless requested by the Board.

(9 VAC 5-50-40, 40 CFR 60 Subpart Db & Condition II.B.1 of 2002 SOP)

#### 2. Operation & Maintenance Procedures - The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the boilers and related air pollution control equipment which affect such emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the boilers and ESPs.
- b. Develop an inspection schedule, monthly at a minimum, to insure operational integrity of the boilers and ESPs, and maintain records of inspection results.

- c. Have available written operating procedures for the boilers and ESPs. These procedures shall be based on the manufacturer's recommendations, at a minimum, if such recommendations exist.
- d. Train operators in the proper operation of the boilers and ESPs and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance, inspections and training shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.  
(9 VAC 5-40-20 E, 9 VAC 5-50-20 E and Condition II.B.2 of 8/2/2002 SOP)

- 3. Electrostatic Precipitators controlling the particulate emissions from boilers Nos. 1 through 7 shall be equipped with devices to continuously measure primary voltage and amperage. The permittee shall check and record the primary voltage and amperage for the ESPs on each boiler at least once each calendar week that the corresponding boiler is operating. These devices shall be operated continuously except for brief periods of equipment maintenance and malfunction.

(9 VAC 5-40-20 E)

**4. Boiler No. 7 COMS**

Continuous Opacity Monitoring System, meeting the design specifications of 40 CFR Part 60, Appendix B, shall be installed to measure and record the opacity of emissions from the stack. The COMS shall be installed, calibrated, maintained and operated in accordance with Appendix B or DEQ approved procedures which are equivalent to the requirements of 40 CFR 60.13 and Appendix B. Data shall be reduced to six minute averages.

(9 VAC 5-40-1000 B, 9 VAC 5-40-41 B, & 9 VAC 5-80-110)

**C. Recordkeeping - (See also Facility Wide Requirements)**

- 1. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil to be burned in Boiler no. 8. Each fuel supplier certification shall include the following:
  - a. The name of the fuel supplier,
  - b. The date on which the oil was received,
  - c. The volume of distillate oil delivered in the shipment,
  - d. A statement that the oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2, and
  - e. The sulfur content of the oil.

(9 VAC 5-50-50 F & H, 9 VAC 5-50-260 & 9 VAC 5-170-160, Condition II.C.1 of 8/2/2002 SOP)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, West Central Regional Office. These records shall include, but are not limited to:
  - a. The daily, monthly, and annual consumption of natural gas (in million cubic feet) and distillate oil (in 1000 gallons), if applicable, for Boiler Nos. 8 & 9. The annual consumption shall be calculated monthly as the sum of each consecutive twelve (12) month period.
  - b. All fuel oil supplier certifications for the oil burned in Boiler No. 8.
  - c. The sulfur content of the oil burned in Boiler No. 8 and of the coal burned in Boilers No. 1 through No. 7.
  - d. The fuel consumption operating scenario that Boiler No. 8 is operating under for each month the boiler operates.
  - e. Maintenance/Inspection reports and operator training records.
  - f. The annual emissions of NO<sub>x</sub> for Boiler No. 8, calculated monthly, as the sum of each consecutive twelve (12) month period.
  - g. The fuel consumption limit that Boiler No. 8 is operating under for each month the boiler operates.
  - h. For Boiler No. 9, the calculated annual capacity factor for natural gas each calendar month (the annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month), average hourly and 30-day average NO<sub>x</sub> emission rates, 30-day average NO<sub>x</sub> excess emissions with explanations; days of lost data with explanations; data excluded from average emission rate, identification of "F" factors used in calculations, times of full span exceedances and descriptions of CEM modifications.
  - i. For Boiler No. 7, all opacity data reduced to 6-minute averages. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. Data recorded during periods of continuous system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages.
  - j. For Boiler No. 7, all measurements, including COMS, monitoring device, and performance testing measurements; all COMS performance evaluations; all COMS or

monitoring device calibration checks; adjustments and maintenance performed on these systems or devices.

- k. Emission factors used to calculate the emissions of these pollutants with an emission limitation in this section of the permit (PM-10, VOC, CO, SO<sub>2</sub>).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-170-160, Condition II.C.2 of 8/2/2002 SOP)

3. The permittee shall maintain records of Boilers No. 7, 8, and 9 startup, shutdown and malfunction, any malfunction of the low NO<sub>x</sub> burners (air pollution control equipment), and if applicable, any periods when the CEM/COM is inoperative.

(9 VAC 5-50-50 B, 9 VAC 5-40-50 B & Condition II.C.3 of 8/2/2002 SOP)

4. The permittee shall maintain records of the required training including a statement of the time, place and nature of the training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler(s). These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.

(9 VAC 5-40-20.E, 9 VAC 5-50-20.E, 9 VAC 5-40-50, 9 VAC 5-50-50, 9 VAC 5-80-110, 9 VAC 5-170-160 & Condition II.C.4 of 8/2/2002 SOP)

#### **D. Testing- (See also Facility Wide Requirements)**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-50-30 & Condition II.D.1 of 8/2/2002 SOP)

#### **2. Boiler No. 8**

Once every 12,000 hours of operation or every three years, whichever is later, not to exceed 5 years without a stack test, NO<sub>x</sub> emission testing shall be conducted on Boiler No. 8 in accordance with 40 CFR Part 60, Appendix A, Method 7, or alternative method approved by the DEQ. During the test, Boiler No. 8 must be operating at design conditions. The details of the tests are to be arranged with the DEQ. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the DEQ, West Central Regional Office, within 60 days after test completion. In lieu of stack testing, a NO<sub>x</sub> continuous emission monitor may be installed in accordance with 40 CFR 75.20.

(9 VAC 5-50-30 G, 9 VAC 5-170-160 & Condition II.D.2 of 8/2/2002 SOP)

## **E. Reporting**

### **1. Excess Emissions Reports – Boiler Nos. 7 & 9**

The permittee shall submit quarterly written reports of excess emissions to the Director, West Central Regional Office for Boilers Nos. 7 & 9 and to the EPA, Region III NSPS Compliance Coordinator, for Boiler No. 9. All quarterly reports shall be postmarked by the 60<sup>th</sup> day following the calendar quarter and shall contain the information required by 9 VAC 5-50-50 for Boilers Nos. 7 & 9 and 40 CFR 60.49b (g) for Boiler No. 9. If no excess emissions occurred, the continuous systems have not been inoperative, repaired or adjusted during the calendar quarter, such information shall be included in the report.

(9 VAC 5-40-50, 9 VAC 5-50-50, 40 CFR 60.49b, and Condition II.E.1 of 8/2/2002 SOP)

## **III. Process Equipment Requirements – Utilities Complex**

### **A. Limitations - (See also Facility Wide Requirements)**

1. Collected fly ash from the collection system controlling particulate emissions from coal fired boilers 1-7 and last pass ash from coal fired boilers 1-7 shall be conveyed to the dry ash storage silo by the dry ash collection system or may be conveyed to the settling ponds through the wet ash handling system.  
(9 VAC 5-50-260 & Condition VII.A.1 of 8/2/2002 SOP)
2. Bottom ash from coal fired boilers 3, 4, 5, and 6 shall be conveyed to the dry ash storage silo by the dry ash collection system or may be conveyed to the settling ponds through the wet fly ash handling system.  
(9 VAC 5-50-260 & Condition VII.A.2 of 8/2/2002 SOP)
3. Particulate emissions from the dry ash handling system shall be controlled by one or both of two baghouse type fabric filters operating in parallel and each ducted to the dry ash collection lines. The baghouses shall be provided with adequate access for inspection.  
(9 VAC 5-50-260 & Condition VII.A.3 of 8/2/2002 SOP)
4. Particulate emissions from the dry ash storage silo shall be controlled by a baghouse type fabric filter. The baghouse shall be provided with adequate access for inspection and shall be in operation when the dry ash handling system is operating.  
(9 VAC 5-50-260 & Condition VII.A.4 of 8/2/2002 SOP)
5. Particulate emissions from the truck loading facility shall be controlled by processing all collected ash sent to the truck loading facility through a mixer where water will be added to the ash to achieve a minimum moisture content sufficient to satisfy the opacity requirements in Condition 9 of this section on the Dry Ash Handling System. The mixer shall be provided with adequate access for inspection and shall be in operation whenever ash is being loaded on a truck.  
(9 VAC 5-50-260 & Condition VII.A.5 of 8/2/2002 SOP)

6. Particulate emissions from dry ash transport shall be controlled by covering the transported ash with a tarpaulin or similar covering prior to the truck leaving the facility.  
(9 VAC 5-50-260 & Condition VII.A.6 of 8/2/2002 SOP)
7. Each baghouse on the dry ash handling system shall achieve a control performance of no more than 0.01 grains per dry standard cubic foot of exhaust air as measured by a stack test.  
(9 VAC 5-50-260 & Condition VII.A.7 of 8/2/2002 SOP)
8. Emissions from the operation of the dry ash collection system and the dry ash storage silo shall not exceed the limits specified below:

PM	0.01 gr/dscf	1.12 lbs/hr	4.91 tons/yr
----	--------------	-------------	--------------

PM-10	0.01 gr/dscf	1.12 lbs/hr	4.91 tons/yr
-------	--------------	-------------	--------------

(9 VAC 5-50-260 & Condition VII.A.8 of 8/2/2002 SOP)

9. Visible emissions from the dry ash collection system, the dry ash storage silo, and the dry ash truck loading facility shall not exceed five percent (5%) opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed twenty percent (20%) opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-50-260, 9 VAC 5-50-20, & Condition VII.A.9 of 8/2/2002 SOP)
10. Process particulate emissions from the Cinergy Utilities operations (including flyash and coal handling and storage), other than from fuel burning equipment, shall be less than or equal to 187.3 lbs/hr.  
(9 VAC 5-40-260.A)

**B. Monitoring - (See Also Facility wide Requirements)**

1. The two baghouses controlling the dry ash collection system shall be equipped with devices to measure the differential pressure drop across the fabric filter at least once each hour that the baghouse is in operation. The measured pressure differential for each baghouse shall be recorded at least once per day, while the system is operating. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the baghouse is operating, except during minimal periods of malfunction.  
(9 VAC 5-80-10 H, 9 VAC 5-50-20 C, 9 VAC 5-50-260 & Condition VII.B.1 of 8/2/2002 SOP)
2. The two baghouses controlling the dry ash collection system shall be equipped with broken bag detectors to indicate tears or failures in the bags. Each occurrence of a broken bag alarm shall be recorded and the response indicated in the record. Each broken bag detector shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or

recommendations. Each broken bag detector shall be provided with adequate access for inspection and shall be in operation when the baghouse is operating, excepting minimal periods of malfunction.

(9 VAC 5-80-10 H, 9 VAC 5-50-20 C, 9 VAC 5-50-260 & Condition VII.B.2 of 8/2/2002 SOP)

3. The dry ash collection system shall be equipped with permanent vacuum gauges and with connections to which a gauge can be attached to measure the suction (vacuum) in the ash handling system. The permanent vacuum gauges shall be located at the inlet to each vacuum pump. The connections shall be located at locations adequate to diagnose vacuum leaks in the system. Each gauge shall be installed, maintained, calibrated and operated in accordance with approved procedures, which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each gauge shall be provided with adequate access for inspection and shall be in operation when the ash handling system is operating. Reading of the vacuum at the gauges and at each upstream connection shall be recorded at the initial start up of the system to provide a baseline for system operation. When vacuum readings are taken for maintenance, those readings shall be recorded.  
(9 VAC 5-80-10 H, 9 VAC 5-50-20 C, 9 VAC 5-50-260 & Condition VII.B.3 of 8/2/2002 SOP)
4. Operation & Maintenance Procedures – The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the baghouses on the dry ash collection system, and the dry ash storage silo.
  - b. Develop an inspection schedule, monthly at a minimum, to insure the operational integrity of the baghouses on the dry ash collection system, and on the dry ash storage silo, and maintain records of inspection results.
  - c. Have available written operating procedures for the baghouses on the dry ash collection system, and on the dry ash storage silo. These procedures shall be based on the manufacturer's recommendations, at a minimum.
  - d. Train operators in the proper operation of the baghouses on the dry ash collection system, and on the dry ash storage silo. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.
  - e. Maintain an inventory of spare parts that are needed to maintain the baghouses on the dry ash collection system, and on the dry ash storage silo-in proper working order.



Records of maintenance, inspections and training shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.  
(9 VAC 5-50-20E, Condition VII.B.4 of 8/2/2002 SOP)

**C. Recordkeeping- (See also Facility Wide Requirements)**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, West Central Regional Office. These records shall include, but are not limited to:
  - a. Annual hours of operation of the dry ash handling system, calculated monthly as the sum of each consecutive 12 month period.
  - b. Differential pressure across the fabric filters in each baghouse.
  - c. Records of all activations of the broken bag detectors and the response to the alarm.
  - d. The records for the dry ash collection system of the suction pressures at the vacuum pumps and at various collection system connections when checked during maintenance activities.
  - e. Results of all stack tests, visible emission evaluations and performance evaluations.
  - f. Scheduled and unscheduled maintenance, and operator training for the dry ash handling system.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-50-260, 9 VAC 5-80-10 H, Condition VII.C.1.a, b, c, d, e, & f of 8/2/2002 SOP)

**D. Testing- (See also Facility Wide Requirements)**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30, Condition VII.D.1 of 8/2/2002 SOP)
2. If compliance testing is conducted in addition to the monitoring specified in this permit, the permittee shall use standardized test methods in accordance with procedures approved by the DEQ.  
(9 VAC 5-50-30, Condition VII.D.2 of 8/2/2002 SOP)

3. Upon request by the DEQ, the permittee shall conduct additional performance tests for particulate matter from the dry ash collection system and/or the dry ash storage silo to demonstrate compliance with the emission limits and control performance requirements contained in this permit. The details of the tests shall be arranged with the Director, West Central Regional Office.  
(9 VAC 5-50-30 G & Condition VII.D.3 of 8/2/2002 SOP)
4. Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the dry ash collection system and/or the dry ash storage silo to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Director, West Central Regional Office.  
(9 VAC 5-50-30 G & Condition VII.D.4 of 8/2/2002 SOP)

#### **E. Reporting**

The reporting requirements for this section are satisfied by the recordkeeping requirements in this section and by the General Permit Conditions in the Facility-Wide and General Requirements section.

### **IV. Facility Wide Conditions**

#### **A. Limitations**

1. **Existing Source Standard for Visible Emissions**  
Unless otherwise specified in this permit, no owner or other person shall cause or permit to be discharged into the atmosphere from any existing source any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. Opacity shall be determined in accordance with 40 CFR, Part 60, Appendix A, Method 9. This standard applies to Boilers No. 1 through 7, which are existing sources (grandfathered equipment).  
(9 VAC 5-170-160, 9 VAC 5-80-110 & 9 VAC 5-40-80)
2. **New Source Standard for Visible Emissions**  
Unless otherwise specified in this permit, no owner or other person shall cause or permit to be discharged into the atmosphere from any new source, visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. Opacity shall be determined in accordance with 40 CFR, Part 60, Appendix A, Method 9.  
(9 VAC 5-170-160, 9 VAC 5-80-110 9 VAC 5-50-80, and Condition VIII.A.1 of 8/2/2002 SOP)
3. **Violation of Ambient Air Quality Standard** - The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such

time as the ambient air quality standard will not be violated.

(9 VAC 5-20-180 I, 9 VAC 5-80-110 & Condition , and Condition VIII.A.2 of 8/2/2002 SOP)

4. The permittee shall operate the affected facilities in compliance with all applicable requirements of the National Emission Standards for Hazardous Air Pollutants; Subpart M- National Emission Standards for Asbestos (40 CFR Part 61 Subpart M).

(9 VAC 5-170-160, 9 VAC 5-80-110, 9 VAC 5-60-60, 9 VAC 5-60-70, 40 CFR 61 Subpart M & and Condition VIII.A.3 of 8/2/2002 SOP).

## **B. Monitoring**

### **1. Visible Emissions:**

At least one time per calendar week, an observation for the presence of visible emissions from each emissions unit capable of generating opacity and with a visible emissions requirement specified in sections II and III of this permit shall be made. If visible emissions are observed the permittee shall:

- a. take timely corrective action and re-conduct the observation for the presence of visible emissions to ensure that the emissions unit capable of generating opacity has resumed operation with no visible emissions, or
- b. conduct a visible emission evaluation (VEE) in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six minutes, to assure visible emissions from the emissions unit capable of generating opacity are less than or equal to either 20 percent opacity or the opacity limit specified in sections II through section IX of this permit for an emissions unit, whichever is lower. If the 6-minute average opacity recorded during this VEE exceeds the opacity limitation established for an emissions unit specified in sections II through section IX of this permit that is capable of generating opacity, the observation period shall continue until a total of three 6-minute periods of observation have been completed. Timely corrective action shall be taken, if necessary, such that the emissions unit capable of generating opacity resumes operation within its opacity limit.
- c. If visible emissions inspections conducted during twelve (12) consecutive weeks show no visible emissions for a particular emissions unit capable of generating opacity, the permittee may reduce the monitoring frequency to once per month for that stack. The permittee shall notify the Director, West Central Regional Office, when the monitoring frequency is reduced from at least each calendar week to at least each calendar month. Anytime a monthly visible emissions evaluation (conducted in accordance with 2. above) show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week for that stack.

The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, name of the observer, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-110 E)

**C. Testing**

1. The permitted facility shall be constructed to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-40-30, 9 VAC 5-50-30 &amp; 9 VAC 5-80-110)

2. If compliance testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
NO <sub>x</sub>	EPA Method 7
SO <sub>2</sub>	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Methods 5, 201, 201A
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

**D. Reporting-****(No additional facility wide reporting requirements)****V. Insignificant Emission Units**

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted	Rated Capacity
<b><u>UTILITIES DEPARTMENT</u></b>				
3BHTK002S1	Kerosene Storage Tank (North)	9 VAC 5-80-720 B-2	VOC	< 500 gal
3BHTK003S1	Kerosene Storage Tank (South)	9 VAC 5-80-720 B-2	VOC	< 500 gal
3BHTK006S1	Boiler Treatment Chemical Storage Tank (Balance Polymer)	9 VAC 5-80-720 A-74	VOC	< 10,000 gal
3BHTK007S1	Boiler Treatment Chemical Storage Tank (Opti-Meen)	9 VAC 5-80-720 A-74	VOC	< 10,000 gal
3BHTK005S1	Ethylene Glycol Storage Tank	9 VAC 5-80-720 B-2	VOC	< 10,000 gal
V2918	No. 2 Fuel Oil Tank (2 MW Generator)	9 VAC 5-80-720 B-2	VOC	1930 gal

The citation criteria for insignificant activities are as follows:

9 VAC 5-80-720 A - Listed Insignificant Activity, Not Included in Permit Application

9 VAC 5-80-720 B - Insignificant due to emission levels

9 VAC 5-80-720 C - Insignificant due to size or production rate

These insignificant emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## **VI. Permit Shield & Inapplicable Requirements**

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

None Identified

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **VII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application to Director, West Central Regional Office for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.  
(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements.
- b. The date(s) analyses were performed.
- c. The company or entity that performed the analyses.
- d. The analytical techniques or methods used.
- e. The results of such analyses.
- f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G. (Note that much of the recordkeeping required by this permit also serves as required periodic monitoring to determine emissions compliance and therefore needs to be addressed in the periodic reports.) The details of the reports are to be arranged with the Director, West Central Regional Office. The submission date listed in this condition is recommended. Another date may be inserted at the discretion of the West Central Regional Office. The reports shall include:

- a. The time period included in the report. The time periods to be addressed are July 1 to December 31 and January 1 to June 30.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- (1) Exceedance of emissions limitations or operational restrictions;
- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or

compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
- d. The report shall be sent to the following address:

VA DEQ  
Director, West Central Regional Office  
ATTN: Air Compliance Manager  
3019 Peters Creek Road  
Roanoke, VA 24019  
(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and to DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The submission date listed in this condition is recommended. Another date may be inserted at the discretion of the West Central Regional Office. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

This annual compliance certification shall be sent to the following addresses:

VA DEQ  
Director, West Central Regional Office  
ATTN: Air Compliance Manager  
3019 Peters Creek Road  
Roanoke, VA 24019

U. S. Environmental Protection Agency, Region III  
Clean Air Act Title V Compliance Certification (3AP00)  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, West Central Regional Office, within four (4) daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next quarterly and semi-annual compliance monitoring report required by this permit.

(9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, West Central Regional Office, within four (4) daytime business hours after the malfunction is discovered. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown. The opacity limits in this permit apply at all times except during periods of; malfunction and as otherwise provided in this permit.

(9 VAC 5-20-180 C)

#### **G. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may



include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

The opacity limits in this permit apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in this permit.

(9 VAC 5-50-20, 9 VAC 5-40-20)

#### **H. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

## **I. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.  
(9 VAC 5-40-90 & 9 VAC 5-50-90)

## **J. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)

## **K. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)

**L. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**M. Permit Action for Cause**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
  - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
  - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
  - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
  - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
  - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
  - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
  - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.  
(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

#### **N. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

#### **O. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

#### **P. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **Q. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.  
(9 VAC 5-80-110 J)

#### **R. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

#### **S. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **T. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **U. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260 and 9 VAC 5-80-190 C)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

**Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

**Z. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

**AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.  
(9 VAC 5-80-110 I)

**BB. Asbestos Requirement**

The permittee shall comply with the requirements of National Emission Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145) and Standards for Insulating Materials (40 CFR 61.148). The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 subpart M, National Emission Standards for Asbestos.  
(9 VAC 5-60-70 and 9 VAC 5-80-110A.1)

## VIII. NO<sub>x</sub> Budget Trading Program Requirements

### A. NO<sub>x</sub> Budget Permit General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO<sub>x</sub> Budget Unit and falls subject to the NO<sub>x</sub> Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, each NO<sub>x</sub> Budget source is required to have a federally enforceable permit. This section of the document represents the NO<sub>x</sub> Budget permit.  
(9 VAC 5-140-40 and 9 VAC 5-140-800)
2. The NO<sub>x</sub> Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq., and 9 VAC 5-140-10 et seq.  
(9 VAC 5-140-200 A)
3. The following air emission unit(s) have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO<sub>x</sub> Budget Trading program as “opt-in” air emission sources.

Table VIII – 1 Facility NO <sub>x</sub> Budget Units				
Facility Unit ID	Unit NATS Code	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)
3BHBL003S1	052089BLR007	Boiler 7	322	NA
3BHBL004S1	052089BLR008	Boiler 8	254	NA

(9 VAC 5-140-40 A or 9 VAC 5-140-800 for Opt-In sources)

4. The following air emission unit(s) have been determined to meet the applicability requirements to be considered a 25-Ton Exempted Unit as provided in 9 VAC 5-140-40 B.1. To maintain this exemption it is the owner's responsibly to limit NO<sub>x</sub> emissions from these individual units to under 50 tpy and under 25 tons per NO<sub>x</sub> Control Period.

Table VIII – 2 25-Ton Exempted Units			
Facility Unit ID	Unit NATS Code	Unit Name and description	NO <sub>x</sub> Control Period Emission Limit (tons)
--	--	NA	--

(9 VAC 5-140-40 B)



5. This NO<sub>x</sub> Budget permit will become effective on May 31, 2004.  
(9 VAC 5-140-240.1)

## **B. Standard Requirements**

### **1. Continuous Monitoring requirements.**

- a. The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall comply with the monitoring requirements of 9 VAC 5-140-700 et seq.  
(9 VAC 5-140-60 B.1)
- b. The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (subparts H of 40 CFR 75 and 40 CFR 96) shall be used to determine compliance by the unit with the NO<sub>x</sub> Budget emissions limitation under Conditions XI.B.2.a. through XI.B.2.h. The following approved methods will be used to calculate NO<sub>x</sub> Control Period and Annual emission rates:

<b>Pollutant or Stack Parameter</b>	<b>CEM Monitoring Methods 40 CFR 75</b>
NO <sub>x</sub> and NO <sub>x</sub> related	As referenced by NO <sub>x</sub> Budget Trading Program Regulations (reference 9 VAC 5-140-700 et seq., 40 CFR 75 Subpart H)

(9 VAC 5-140-60 B.2)

### **2. Nitrogen oxides requirements.**

- a. The owners and operators of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO<sub>x</sub> Budget Trading Program, or a change in regulatory status, of a NO<sub>x</sub> Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.  
(9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO<sub>x</sub> Budget emissions limitation shall constitute a separate violation of the Clean Air Act, and applicable Virginia Air Pollution Control law.  
(9 VAC 5-140-60 C.2)

- c. A NO<sub>x</sub> Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on May 31, 2004.  
(9 VAC 5-140-60 C.3)
  - d. NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> Allowance Tracking System accounts in accordance with 9 VAC 5-140-400 et seq., 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., and 9 VAC 5-140-800 et seq.  
(9 VAC 5-140-60 C.4)
  - e. A NO<sub>x</sub> allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated.  
(9 VAC 5-140-60 C.5)
  - f. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO<sub>x</sub> Budget Trading Program. No provision of the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> Budget permit application, the NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.  
(9 VAC 5-140-60 C.6)
  - g. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program does not constitute a property right.  
(9 VAC 5-140-60 C.7)
  - h. Upon recordation by the administrator under 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., or 9 VAC 5-140-800 et seq., every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from a NO<sub>x</sub> Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO<sub>x</sub> Budget permit of the NO<sub>x</sub> Budget unit by operation of law without any further review.  
(9 VAC 5-140-60 C.8)
3. Excess emissions requirements.
- a. The owners and operators of a NO<sub>x</sub> Budget unit that has excess emissions in any control period shall:
    - (1) Surrender the NO<sub>x</sub> allowances required for deduction under 9 VAC 5-140-540 D 1; and
    - (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.
- (9 VAC 5-140-60 D)

### **C. Recordkeeping and Reporting**

1. Unless otherwise provided, the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.  
(9 VAC 5-140-60 E.1)
  - a. The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.  
(9 VAC 5-140-60 E.1)
  - b. All emissions monitoring information, in accordance with 9 VAC 5-140-700 et seq. of this part; provided that to the extent that 9 VAC 5-140-700 et seq. provides for a three-year period for recordkeeping, the three-year period shall apply.  
(9 VAC 5-140-60 E.1)
  - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
  - d. Copies of all documents used to complete a NO<sub>x</sub> Budget permit application and any other submission under the NO<sub>x</sub> Budget Trading Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
2. The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Trading Program, including those under 9 VAC 5-140-300 et seq., 9 VAC 5-140-700 et seq., or 9 VAC 5-140-800 et seq.  
(9 VAC 5-140-60 E.2)

### **D. Testing for CEM Certification**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.  
(9 VAC 5-40-30, 9 VAC 5-50-30 and 9 VAC 5-140-710)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

<b>Pollutant or Stack Parameter</b>	<b>CEM Certification Test Method 40 CFR 60</b>
NO <sub>x</sub> and NO <sub>x</sub> related	As referenced by NO <sub>x</sub> Budget Trading Program Regulations (reference 9 VAC 5-140-700 et seq., 40 CFR 75 Subpart H)

(9 VAC 5-140-700 to 710)

#### **E. Liability**

1. Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.  
(9 VAC 5-140-60 F.1)
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.  
(9 VAC 5-140-60 F.2)
3. No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.  
(9 VAC 5-140-60 F.3)
4. Each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit shall meet the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 F.4)
5. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget source or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source shall also apply to the owners and operators of such source and of the NO<sub>x</sub> Budget units at the source.  
(9 VAC 5-140-60 F.5)

6. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget unit or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO<sub>x</sub> authorized account representative of one NO<sub>x</sub> Budget unit shall not be liable for any violation by any other NO<sub>x</sub> Budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.

(9 VAC 5-140-60 F.6)

#### **F. Effect on Other Authorities**

No provision of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit application, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

(9 VAC 5-140-60 G)